

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
SAUL HOROWITZ, <i>as Sellers' Representative</i>	:	
	:	
Plaintiff,	:	
	:	
-v-	:	17-CV-7742 (JPO)
	:	
NATIONAL GAS & ELECTRIC, LLC, and	:	<u>ORDER</u>
SPARK ENERGY, INC.,	:	
	:	
Defendants.	X	

J. PAUL OETKEN, District Judge:

Plaintiff invokes this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332. However, the Complaint does not adequately demonstrate the Court's subject matter jurisdiction because it does not allege the citizenship of each of the members of National Gas & Electric, LLC. The place of incorporation and principal place of business of a limited liability company are not relevant to the question of diversity of citizenship under § 1332. Rather, for purposes of diversity jurisdiction, an LLC has the citizenship of each of its members. *See ICON MW, LLC v. Hofmeister*, 950 F. Supp. 2d 544, 546 (S.D.N.Y. 2013) (citing *Bayerische Landesbank v. Aladdin Capital Mgmt. LLC*, 692 F.3d 42, 49 (2d Cir. 2012)). Thus, in order to invoke this Court's diversity jurisdiction, Plaintiff must allege that the citizenship of each member of National Gas & Electric, LLC, was diverse from Plaintiff at the date of this action's filing.

Therefore, Plaintiff shall, on or before November 1, 2017, either (1) show cause as to why its complaint should not be dismissed for lack of subject matter jurisdiction, or (2) move to

file an amended complaint that properly pleads jurisdiction. If Plaintiff fails to do so, this action may be dismissed.

SO ORDERED.

Dated: October 11, 2017
New York, New York



J. PAUL OETKEN
United States District Judge